

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

**APPLICATION OF GROTON WIND, LLC
NO. 2010-01**

**OBJECTION OF THE INTERVENOR GROUP BUTTOLPH/LEWIS/SPRING
JOINT MOTION TO APPROVE SETTLEMENT AGREEMENT BETWEEN
GROTON WIND AND COUNSEL FOR THE PUBLIC**

The Buttolph/Lewis/Spring intervenor group ('Intervenors'), through its representative, Lisa Linowes, respectfully objects to the July 16, 2014 joint motion filed by Groton Wind LLC ("Applicant") and Counsel for the Public. The joint motion seeks approval of a settlement agreement ("Agreement") reached regarding enforcement claims made by Counsel for the Public in the above referenced docket. In the Agreement, the Applicant and Counsel for the Public articulate, among other things, the following terms and conditions:

- (a) Counsel for the Public will withdraw his claims, protests and objections currently pending before the SEC against the Application and will not demand that the Project O&M building be removed or relocated nor will he seek or assist others with seeking a determination that Groton Wind has violated the terms of its certificate of site and facility or any provision of law.
- (b) The Applicant shall make a payment in the amount of \$160,000 for the public purpose of supporting the "Livermore Falls Project" in Grafton County by the NH DRED for park management and park infrastructure at Livermore Falls. Up to \$10,000 of the payment may be retained by NHDOJ to defray expenses associated with SEC docket 2010-01.
- (c) Groton Wind and Counsel for the Public agreed to a statement to be issued by Iberdrola Renewables acknowledging that certain communications and decisions surrounding construction of the O&M building were not explicitly authorized by the certificate granted by the SEC and that a

lack of close coordination with State Fire Marshal's office led to further misunderstandings and a lack of trust.

In support of this objection, the Intervenors state the following:

1. The Agreement fails to explain how Groton Wind and Counsel for the Public arrived at the \$160,000 payment to address the enforcement claims filed by Counsel for the Public and others and how the money would be allocated. While the settlement negotiations between Groton Wind and Counsel for the Public may be confidential, the intervenors object to the fact that Agreement provides no justification for the monetary figure nor does it show how the amount compares to the cost of removing or relocating the O&M building.

2. The Livermore Falls State Park which is State owned and managed by NH DRED, has been significantly degraded by the project's 34.5 kV interconnection line which bisects the park across the historic 'pumpkin seed bridge'. Two metal poles, each standing over 50' feet tall now straddle the Pemigewasset River in the area of the falls. Numerous power lines span the river between these poles. At least one of the poles is sited on state-owned land. (See photos in Appendix A) Had Groton Wind fully disclosed the location of the interconnection line on state land as part of its project application, we believe steps would have been taken to mitigate for the negative impacts. Any settlement involving the Livermore Falls area should account for the transmission impacts.

WHEREFORE, the Intervenors respectfully request that the Committee:

A. Require the Applicant and Counsel for the Public to expand the Agreement to provide information on how they arrived at the \$160,000 payment and the justification for allocating most of the payment for the Livermore Falls area. In the alternative, the Intervenors ask that this information be revealed publicly before the SEC.

B.. Grant such other and further relief as deemed appropriate.

Dated this day of July 28, 2014

By:

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a cursive, somewhat abstract shape.

On behalf of the Intervenors: Buttolph/Lewis/Spring and Watson

cc: Parties to Docket 2010-01

APPENDIX A



